

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOUIS POULSEN A/S,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE “A”,

Defendants,

Case No.: 24-cv-04260

Judge Jorge L. Alonso

Magistrate Judge Maria Valdez

DEFENDANT LIGHTZEY’S MOTION FOR ATTORNEY FEES AND COSTS

Defendant (“Lightzey”), by and through its attorneys, pursuant to 15 U.S.C. § 1117(a), hereby moves for an order finding this case to be “exceptional” under 15 U.S.C. § 1117(a) and awarding Lightzey its reasonable attorney fees and costs incurred in defending against Plaintiff’s claims.

Lightzey’s motion seeks an order finding that this case is “exceptional” under 15 U.S.C. § 1117(a) and awarding Lightzey its attorney fees because: (1) Plaintiff’s Complaint was objectively meritless from the start; (2) Plaintiff’s Complaint and subsequently TRO Application included misleading evidence in violation of Illinois Supreme Court Rules 3.3(c), (a)(1), and (a)(3); (3) Plaintiff abused this court’s *ex parte* procedures by seeking a TRO based on misrepresentations to the Court about Plaintiff’s claims and evidence; (4) by including knowingly false evidence to obtain the TRO, Plaintiff committed fraud on the Court; (5) Plaintiff has litigated this case in an unreasonable manner through its use of sealed and false filings to obtain unwarranted injunctive relief without giving Lightzey an opportunity to respond; (6) even after Defendant pointed out Plaintiff’s mistakes via email, Plaintiff still did not immediately withdraw its Complaint and TRO which would have avoided the bulk of the attorney fees incurred by Defendant; (7) Plaintiff eventually withdrew after more than one month of repeated requests by Defendant at which time Defendant unnecessarily incurred a substantial amount of legal fees.

In support of the Motion for Attorney Fees and Costs, Lightzey relies upon and incorporates by reference its Memorandum of Law in Support of Defendant Lightzey’s Motion for Attorneys’ Fees and Costs, the Declaration of J. Benjamin Bai in Support of Lightzey’s Motion for Attorneys’ Fees, and the exhibits thereto, filed herewith, as well as all documents filed with the Court on this case’s docket and cited in the accompanying papers.

Respectfully submitted,

Lightzey

Dated: October 7, 2024

By: /s/ J. Benjamin Bai

Benjamin Bai
King & Wood Mallesons LLP
500 Fifth Avenue, 50th Floor
New York NY 10110
212 319 4755 (phone)
917 591 8167 (fax)
benjamin.bai@cn.kwm.com

Paul Keller (pro hoc vice pending)
Crowell & Moring
Two Manhattan West
375 Ninth Avenue
New York, NY 10001
212.895.4214 (phone)
202.628.5116 (fax)
PKeller@crowell.com

Elissa N. Tenenbaum
Crowell & Moring
455 N. Cityfront Plaza Drive
Suite 3600
Chicago, IL 60611
312.840.3283 (phone)
312 321 4299 (fax)
ETenenbaum@crowell.com

Counsel for Defendant
Lightzey

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2024, a copy of the foregoing was served on counsel of record by electronic means pursuant to the court's Electronic Case Filing (ECF) system.

/s/ J. Benjamin Bai